IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Notice No.282 of 2004

In

Notice of Motion No.265 of 2004

Chandrkant H. Kenia
and Ors. ...Judgment Debtor

V/s

Sushila Naraindas
Chhabria ..Judgment Creditor

Ms K.S.Lalwani for Judgment Creditor
Mr R.R.Mishra for Judgment Debtor

CORAM:DR.D.Y.CHANDRACHUD,J.

1st February 2005

P.C.:-

1. A Decree on admission was passed as far back as on 19-12-2002 in the amount of Rs.69,095-19 ps. together with future interest on the principal amount of Rs.50,000/-. No payment has been made. There is absolutely no merit in the Motion. However, with a view to give the Judgment Debtor a

final opportunity to clear the decretal dues, the following conditional order is passed:

2. In the event that the Judgment Debtor pays an amount of Rs.50,000/- on or before 7-2-2005 to the Judgment Creditor and the balance of the decretal sum inclusive of interest, on or before 28-2-2005, the Notice of Motion shall stand absolute in terms of prayer clause (a). In the event, however, that there is any single default in the payment of the instalments or any part thereof, the Notice of Motion shall stand dismissed without further reference to the Court. In the event that full payment is made, the learned Counsel appearing on behalf of the Judgment Creditor undertakes to inform the Insolvency Registrar.

3. Sufficient cause is shown hence the delay is condoned.

(DR.D.Y.CHANDRACHUD,J.)